

Appl. No. 09/804,034
Response to Office Action of August 6, 2004

PATENT
Docket No.: US010383
Customer No. 000024737

REMARKS

By this amendment, claims 1-2 have been cancelled. Claims 3-17 have been amended. Claims 3-17 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is respectfully requested.

Rejection under 35 U.S.C. § 101

Claims 1-16 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. With respect to claims 1 and 2, the same have been cancelled herein, thereby rendering the rejection thereof moot. With respect to claims 3-16, applicant respectfully traverses the rejection for at least the following reasons. The claims have been amended to more clearly indicate the functional description material and functional relationship between elements in the respective claims, and thus rendering claims 3-16 useful in the technical art. Therefore, by this amendment, the rejection is not supported and should be withdrawn.

Rejection under 35 U.S.C. § 112

Claim 7 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses the rejection for at least the following reason. Claim 7 has been amended to more clearly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claim 7 has been amended to clarify a characteristic of the change to the accessed data elements by a second user and a characteristic of the accessed data elements, wherein the characteristic of the change includes the accessed data elements having been electronically signed by the second user, and wherein the characteristic of the accessed data elements includes one or more of (i) a change to a field of the accessed data elements while the form document has remained open, (ii) fields of the accessed

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data elements having been updated from the common database while the form document has remained open, and (iii) fields of the accessed data elements that have not changed since the form document was opened. Therefore, by this amendment, the rejection is believed now overcome and should be withdrawn.

Rejection under 35 U.S.C. § 102

Claim 3

Claim 3 recites a process for automatically updating data elements in a form document being used by a first software application, the process comprising: accessing data elements stored in a common database that correspond to the form document being used by the first software application, wherein the data elements of the database can be common to one or more form documents of one or more software applications having access to the common database, further wherein each data element includes at least a field and data in the field; inputting the accessed data elements into the form document, wherein the first software application is responsive to a first user input for making changes to the accessed data elements within the form document; using the first software application for making changes to the inputted accessed data elements within the form document in response to input by the first user; monitoring the common database to detect changes to the accessed data elements that may have been changed by the first software application or a second software application of the one or more software applications in response to input of a second user while the form document is being used by the first software application in response to input by the first user; and updating the accessed data elements in the form document while the form document is being used by the first software application in response to input of the first user, wherein the updating occurs in accordance with rules corresponding to the detected changes, further wherein the monitoring of the common database and the updating of the data elements in the form document comprise (i) a program segment of the first software application or (ii) a software process implemented as a thread

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executing in a multi-tasking operating system environment, wherein the program segment or software process implemented as a thread (a) periodically checks the common database for available updates to the accessed data elements, (b) retrieves new records from the common database in response to an availability of updates, the new records corresponding to the accessed data elements that have changed, and (c) processes the new records corresponding to the changed data elements as an array of new records for updating the accessed data elements in the form document while the form document is being used by the first software application and the first user, further wherein processing the array of new records includes adding new records to the array of new records or deleting new records from the array of new records in response to one or more comparisons against old records of the form document, the old records corresponding to records existing as of a last time the accessed data elements of the form document were updated or as of a time the form document was opened, the adding or deleting to the array of new records further being in accordance with the rules corresponding to the detected changes.

Claims 1-3, 5-9, 13 and 15-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Novak et al., U.S. Patent No. 6,393,419 ("Novak"). With respect to claims 1 and 2, the same have been cancelled herein, thereby rendering the rejection thereof moot. With respect to claims 3, 5, 15, 16 and 17, applicant respectfully traverses the rejection for at least the following reason.

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claims 3, 5, 15, 16 and 17, to sustain this rejection the Novak patent must contain all of the above claimed elements of the respective claims.

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However, contrary to the examiner's position that all elements are disclosed in the Novak reference, the latter reference does not disclose wherein the monitoring of the common database and the updating of the data elements in the form document comprise (i) a program segment of the first software application or (ii) a software process implemented as a thread executing in a multi-tasking operating system environment, wherein the program segment or software process implemented as a thread (a) periodically checks the common database for available updates to the accessed data elements, (b) retrieves new records from the common database in response to an availability of updates, the new records corresponding to the accessed data elements that have changed, and (c) processes the new records corresponding to the changed data elements as an array of new records for updating the accessed data elements in the form document while the form document is being used by the first software application and the first user, further wherein processing the array of new records includes adding new records to the array of new records or deleting new records from the array of new records in response to one or more comparisons against old records of the form document, the old records corresponding to records existing as of a last time the accessed data elements of the form document were updated or as of a time the form document was opened, the adding or deleting to the array of new records further being in accordance with the rules corresponding to the detected changes.

Therefore, the rejection is not supported by the Novak reference and should be withdrawn. Accordingly, claims 3, 5, 15, 16 and 17, are allowable and an early formal notice thereof is requested. Dependent claims 6-9 and 13 depend from and further limit independent claim 5 and therefore are allowable as well.

Rejection under 35 U.S.C. § 103

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Claims 4, 10 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Novak et al., U.S. Patent No. 6,393,419 ("**Novak**") in view of Ainsbury et al., U.S. Patent No. 6,078,924 ("**Ainsbury**"). Applicant respectfully traverses this rejection for at least the following reasons. Claim 4 depends from and further limits, in a patentable sense, allowable independent claim 3 and therefore is allowable as well. Claims 10 and 14 depend from and further limit, in a patentable sense, allowable independent claim 5 and therefore are allowable as well.

Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Novak et al., U.S. Patent No. 6,393,419 ("**Novak**") in view of Ainsbury et al., U.S. Patent No. 6,078,924 ("**Ainsbury**") and further in view of Sugano et al., U.S. Patent No. 6,205,478 ("**Sugano**"). Applicant respectfully traverses this rejection for at least the following reasons. Claims 11 and 12 depend from and further limit, in a patentable sense, allowable independent claim 5 and therefore are allowable as well.

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Conclusion

It is clear from all of the foregoing that independent claims 3, 5 and 15-17 are in condition for allowance. Dependent claims (4) and (6-14) depend from and further limit independent claims 3 and 5, respectively, therefore are allowable as well. The amendments herein are fully supported by the original specification and drawing, therefore, no new matter is introduced. An early formal notice of allowance of claims 3-17 is requested.

Respectfully submitted,

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